

Applicants : Claudio A. Cerutti et al.
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Remarks:

The amendments and remarks presented herein are believed to be fully responsive to the Office Action dated January 20, 2004.

Claims 1-89 are pending in the application. Claims 1, 2, 16 and 22 have been amended as set forth above and claims 26-89 have been withdrawn from consideration. The specification has been amended to update several incorporated patent applications that have now issued as patents. The amendments are fully supported in the specification and drawings as originally filed. No new matter has been added.

ELECTION/RESTRICTION

The Office Action indicates that Applicants' traversal of the election requirement was not persuasive and the election requirement is made Final. Applicants respectfully submit that the terms quoted in the Office Action from claims 1 and 33 apply to different steps of the methods. More particularly, Applicants submit that claim 33 includes the steps of "determining a loading sequence of the articles as a function of their respective destinations" and "loading the articles from said at least two inducts onto the transport units according to said loading sequence" (emphasis added). The respective destinations of the articles are thus used to determine the loading of the articles from the inducts onto the transport units. To the contrary, the term "without respect to a destination" cited in the Office Action from claim 1 applies to the "feeding of the articles to said least one induct" (emphasis added). The terms relied on by the Examiner thus apply to different steps of the claimed methods. More particularly, the term of claim 1 applies to the feeding of the articles to the induct, while the term of claim 33 applies to the loading of the articles from the induct and onto the transport units. Reconsideration and withdrawal of the restriction requirement at least with respect to claims 33-40 is respectfully requested.

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INFORMATION DISCLOSURE STATEMENT

The Office Action indicates that the Information Disclosure Statement filed May 28, 2002 does not comply with 37 CFR 1.98(a)(3) because no concise explanation of the relevance of the references not in the English language was provided. The initialed Form PTO-1449 has four references crossed out, namely, French Patent No. 2,450,765; German Patent No. 2,717,199 A1; German Patent No. 4,033,699 C1; and Japanese Patent No. 406127662. However, Applicants respectfully submit that the Japanese Patent No. 406127662 included an English abstract, such that no such concise explanation was necessary. Attached is another copy of the English abstract for JP406127662.

Furthermore, Applicants submit that a concise explanation of the other three crossed out foreign patents was provided with the Information Disclosure Statement, such that the Statement did comply with 37 CFR 1.98(a)(3). Attached is a copy of the Information Disclosure Statement, showing the concise explanations for the three foreign patents. Applicants respectfully request that the Examiner consider the information that was crossed out in the returned initialed form and return another initialed copy of the form to confirm the Examiner's consideration of the cited information. A copy of the relevant page of the Form PTO-1449 submitted with the Statement is also attached.

Also, Applicants electronically filed an Information Disclosure Statement on January 8, 2003, but did not receive an initialed copy of the electronically filed Statement with the Office Action. Also attached is a copy of the electronically filed Information Disclosure Statement. Applicants respectfully request that the Examiner consider the information cited in the Statement and return an initialed copy of the Statement to confirm the Examiner's consideration of the cited information.

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ALLOWABLE CLAIMS

Claims 2, 4 and 22 were indicated as being directed toward allowable subject matter and as being allowable if rewritten in independent form. Applicants have amended claims 2 and 22 to be in independent form, such that claims 2-4, 22 and 23 are now in condition for allowance.

CLAIM REJECTIONS

Claims 1, 3, 5, 6, 11, 13, 16-18, 20 and 23 were rejected under 35 U.S.C. §102(b) as being anticipated by Soldavini, U.S. Patent No. 6,209,703. Claims 7-10, 12, 19 and 21 were rejected under §103(a) as being unpatentable over Soldavini, in view of Lund, U.S. Patent No. 4,244,672. Claims 14, 15, 24 and 25 were rejected under §103(a) as being unpatentable over Soldavini, in view of Okada, U.S. Patent No. 5,547,084.

Applicants respectfully traverse the rejections under 35 U.S.C. §102(b) and §103(a) for the reasons set forth below.

Applicants have amended independent claim 1 to clarify that the articles on a respective induct are loaded to the transport units in the order in which the articles are fed to the respective induct. Applicants have also amended independent claim 16 to clarify that the articles are loaded from a respective one of the inducts in the order in which the articles are fed to the respective one of the at least two inducts.

Soldavini discloses a method and apparatus for the sorting of objects which may sort the objects via conveying the objects along a pair of sorting belts of the induct or sorting line. The method and apparatus of Soldavini identifies the destinations of objects loaded onto the sorting line and shifts one or more objects to an upstream loading belt or a downstream loading belt. The Soldavini method and apparatus thus may change the loading order of the objects as they are conveyed along the sorting line by moving one of the objects

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to the upstream loading belt to load that object onto the platform before the object on the downstream loading belt. Applicants thus submit that the method and apparatus of Soldavini does not move objects along the sorting lines and does not load the objects onto the platforms in the order in which the objects were fed to the sorting line. To the contrary, the method and apparatus of Soldavini functions to change the order of the objects as they are moved along the sorting line.

Accordingly, Applicants respectfully submit that Soldavini, either alone or in combination with any other prior art of record, does not disclose, teach, suggest or render obvious the method of the present invention, particularly as set forth in independent claims 1 and 16 and in the claims depending therefrom. Reconsideration and withdrawal of the rejections of claims 1, 5-21, 24 and 25 is respectfully requested.

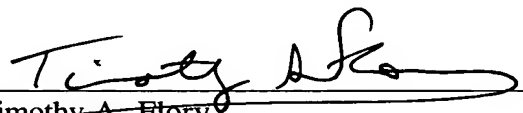
Claims 1-89 remain pending in the application. Claims 1, 2, 16 and 22 have been amended above and claims 26-89 have been withdrawn. Applicants request that the Examiner reinstate and consider at least claims 33-40. Applicants respectfully submit that at least claims 1-25 are in condition for allowance and a notice to that effect is earnestly and respectfully requested.

Respectfully submitted,

CLAUDIO A. CERUTTI ET AL.

By: Van Dyke, Gardner, Linn & Burkhart, LLP

Date: April 15, 2004.



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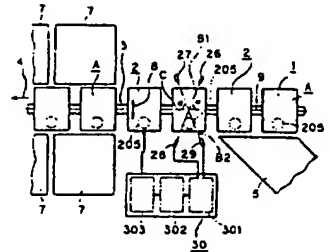
JP 406127662 A
MAY 1994

(54) ARTICLE SORTING DEVICE

(11) 6-127662 (A) (43) 10.5.1994 (19) JP
(21) Appl. No. 4-304939 (22) 16.10.1992
(71) SANDVIK K.K. (72) TAKUO KOBAYASHI(1)
(51) Int. Cl. B65G43/08, B65G47/68, B65G47/70

PURPOSE: To surely ship out an article to each receiving means by detecting the position of the article over an endless conveyor just this side of each receiving means, and thereby correcting the position of the article.

CONSTITUTION: In an article classification device which is equipped with a plurality of carrier 2 running along a specified track 3, and receiving means (chutes) 7 which are disposed at both the sides of the track 3 to receive an article shipped out of each carrier 2, respective light sources 26 and 27 are disposed, which emit two beams B1 and B2 of light in the opposite directions in such a way as to be intersected with the center line C of an endless conveyor belt A while being intersected with each other over the center line C so that hold angles α formed by the center line C and each of two beams of light are roughly identical to each other. And the difference in time that the center vertical surface of the article passes through the respective paired beams B1 and B2 of light, is converted into a value corresponding to the displacement of the aforesaid vertical surface of the article from the center line C so as to allow the endless conveyor belt A to be driven in the direction that the displacement is eliminated, so that the center vertical surface of the article is thereby moved to the center line C.



10-13-206



PATENT
RAP04 P-617A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art : 3624
Applicants : Claudio A. Cerutti, Artemio G. Affaticati and Stuart M. Edwards
Serial No. : 10/067,599
Filed : February 4, 2002
For : **ARTICLE SORTATION SYSTEM**

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

CERTIFICATE OF MAILING

I hereby certify that this paper along with the attached return postal card;
Information Disclosure Statement (2 pages); Form PTO-1449 (2 sheets); and a copy of the
references cited (1 book) are being deposited with the United States Postal Service as first
class mail in an envelope addressed to:

Commissioner for Patents
Washington, D.C. 20231

on May 23, 2002.

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TAF/slg
Enclosure

FILE COPY



P A T E N T
RAP04 P-617A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group : 3624
Applicants : Claudio A. Cerutti, Artemio G. Affaticati and Stuart M. Edwards
Serial No. : 10/067,599
Filing Date : February 4, 2002
For : **ARTICLE SORTATION SYSTEM**

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

In accordance with 37 CFR 1.51, 1.56, 1.97 and 1.98, Applicants submit herewith patents, publications or other information listed on attached Form PTO-1449 for consideration by the Examiner in connection with examination of the present application.

This Information Disclosure Statement is not intended to constitute an admission that any patent, publication or other information referred to herein is "prior art" for this invention unless specifically designated as such. The present application; U.S. patent applications, Serial No. 09/669,170 and Serial No. 09/675,237; and U.S. Patent No. 5,588,520 are commonly assigned.

Under 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists.

In accordance with 37 C.F.R. § 1.98(a)(3), the following are concise explanations of the relevance of the references cited in the attached Form PTO-1449 which are not in the English language:

German reference No. 2717199 A1 discloses a vehicle transporter for delivering or receiving articles at a delivery or receiving station. The vehicle transporter includes carriers which are positioned obliquely to the direction of travel of the vehicle

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transporter.

German reference No. 4033699 C1 discloses a pair of delivery promoters which are pivotable to align with a delivery cart to receive articles at a delivery station.

France reference No. 2 450 765 discloses a conveyor assembly with carts which are movable laterally between two roller conveyors.

This Information Disclosure Statement is being filed before Applicants are aware of any mailing date of a first Office Action on the merits.

An early and favorable action on the merits is respectfully requested.

Respectfully submitted,

CLAUDIO A. CERUTTI, ARTEMIO G.
AFFATICATI and STUART M. EDWARDS

By: Van Dyke, Gardner, Linn & Burkhart, LLP

Dated: May 23, 2002.

ORIGINAL SIGNED BY
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RAP04 P-617A

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (Rev. 2-32) PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. RAP04 P-617A	SERIAL NO. 10/067,599
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		
(Use several sheets if necessary)		APPLICANTS Claudio A. Cerutti et al. FILING DATE February 4, 2002 GROUP 3624

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPRO- PRIATE
	6 2 0 9 7 0 3	04/03/01	Soldavini	198	370.06	
	5 5 8 8 5 2 0	12/31/96	Affaticati et al.	198	370.06	
	5 5 4 7 0 8 4	08/20/96	Okada et al.	209	583	

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTR Y	CLASS	SUB- CLASS	TRANSLA- TION
						Y N
	EP 9 2 7 6 8 9 A1	07/07/99	EPO	B65G	17/34	Y
	EP 7 7 4 4 2 9 A1	05/21/97	EPO	B65G	47/46	Y
	5 5 6 8 6 6 A2	08/25/93	EPO	B07C	5/36	Y
	5 1 8 1 8 0 A2	12/16/92	EPO	B65H	31/18	Y
	4 8 1 3 4 1 A1	04/22/92	EPO	B65G	43/00	Y
	0 0 3 2 5 0 2	06/08/00	WO			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER INITIAL	
	Commonly assigned, co-pending U.S. Patent Application, Serial No. 09/669,170 filed September 25, 2000 by Artemio G. Affaticati and Claudio A. Cerutti.
	Commonly assigned, co-pending U.S. Patent Application, Serial No. 09/675,237, filed September 29, 2000 by Edwards et al.

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (Rev. 2-32) PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. RAP04 P-617A	SERIAL NO. 10/067.599
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)		APPLICANT(S) Claudio A. Cerutti et al.	
		FILING DATE February 4, 2002	GROUP 3624

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER								DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPRO- PRIATE
		6	2	5	3	9	0	4		07/03/01	Soldavini	198	431	06/04/99
		6	2	5	3	9	0	1		07/03/01	Hintz et al.	198	370.06	10/01/99
		5	9	0	1	8	3	0		05/11/99	Kalm et al.	198	370.06	
		5	8	6	8	2	3	8		02/09/99	Bonnet	198	370.1	
		4	9	1	5	2	0	9		04/10/90	Canziani	198	357	
		4	7	8	1	2	8	1		11/01/88	Canziani	198	365	
		3	8	4	8	7	2	8		11/19/74	Leibrick et al.	198	155	
		3	7	5	2	3	1	2		08/14/73	Soltanoff	209	111.7	
		3	5	5	0	7	4	8		12/29/70	Hauer	198	38	
		3	2	5	4	7	5	2		06/07/66	Bauch et al.	198	31	

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER								DATE	COUNTRY	CLASS	SUB- CLAS S	TRANSLA- TION	
														Y	N
	FR	2	4	5	0	7	6	5		10/03/80	France	B65 G 47/52	13/06	Abst	
	DE	27	1	7	1	9	9	A1		11/02/78	Germany	B65 G 47/34			X
	DE	40	3	3	6	9	9	C1		12/19/91	Germany	B65 G 47/52			X
	JP	6	1	2	7	6	6	2		May '94	Japan	B65 G 43/08		Abst	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER INITIAL		

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

TRANSMITTAL FORM

Electronic Version 1.0.3

Stylesheet Version: 1.0

Submission Type: Information
Disclosure Statement

Application Number:	10/067,599
Attorney Docket Number:	RAP04 P-617A

ARTICLE SORTATION SYSTEM

First Named Inventor: Claudio A. Cerutti

SUBMITTED BY

Name:	Mr. Timothy A. Flory
Registration Number:	42 540
Electronic Signature Mark: /taf/	Date Signed: 20030108

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I, the undersigned, certify that I have viewed a display of document(s) being electronically submitted to the United States Patent and Trademark Office, using either the USPTO provided style sheet or software, and that this is the document(s) I intend for initiation or further prosecution of a patent application noted in the submission. This document(s) will become part of the official electronic record at the USPTO.

Attached Files:

us-information-disclosure-statement

RAP04P617Aids.xml

Comments:

Electronic Information Disclosure Statement

ARTICLE SORTATION SYSTEM

Application: *10/067599*
 10/067599
 Confirmation: 5900
 Applicant(s): Claudio Cerutti
 Docket Number: RAP04 P-617A
 Group Art Unit: 3653
 Examiner: T. Nguyen
 search string: (6499604).pn.

US Patent Documents

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

init	Citation No.	Patent Number	Date	Bar Code	Patentee	Class	Subclass
	P01	6499604	2002-12-31	*6499604*	Kitson	209	630

Remarks

(Remarks are not for responding to an office action.)

In accordance with 37 CFR 1.51, 1.56, 1.97 and 1.98, Applicants submit herewith patents, publications or other information for consideration by the Examiner in connection with examination of the present application. This Supplemental Information Disclosure Statement is not intended to constitute an admission that any patent, publication or other information referred to herein is "prior art" for this invention unless specifically designated as such. Under 37 CFR 1.97(h), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. This Supplemental Information Disclosure Statement is being filed before Applicants are aware of any mailing date of a first Office Action on the merits. An early and favorable action on the merits is respectfully requested.

Signature

Examiner Name	Date

Acknowledgment Receipt

SUBMISSION TYPE: Information Disclosure Statement

APPLICATION NUMBER: 10067599

FIRST NAMED INVENTOR: Claudio Cerutti

TITLE OF INVENTION: ARTICLE SORTATION SYSTEM

ATTORNEY DOCKET NUMBER: RAP04 P-617A

FILE LISTING:

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FILE SIZE: 17641 Bytes

TIMESTAMP: Wed Jan 08 15:29:03 EST 2003

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DIGITAL CERTIFICATE HOLDER NAME: cn=Timothy A. Flory, ou=Registered Attorneys

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